

CARTER LEDYARD & MILBURN LLP
Counselors at Law

Mark R. Zancoli
Counsel

Direct Dial: 212-238-8735
E-mail: zancoli@clm.com

2 Wall Street
New York, NY 10005-2072

Tel (212) 732-3200
Fax (212) 732-3232

701 8th Street, N.W., Suite 410
Washington, DC 20001-3893
(202) 898-1515

570 Lexington Avenue
New York, NY 10022-6856
(212) 371-2720

July 23, 2008

VIA FEDERAL EXPRESS

The Honorable Peter G. Sheridan
United States District Judge
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Courtroom MLK 4A
Newark, New Jersey 07101

Re: Kenneth Thomas v. Kos Pharmaceuticals, Inc.
Civil Action No. 2:07-cv-05459-PGS-ES

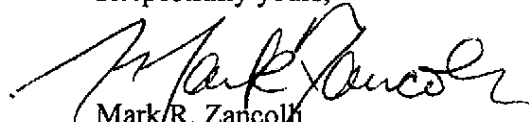
Dear Judge Sheridan:

We represent defendant Kos Pharmaceuticals, Inc. ("Kos") in this lawsuit. We are writing to request an adjournment of the hearing date of Kos' combined motion for summary judgment pursuant to Fed. R. Civ. P. 56(b) and to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (the "Motion") from July 31, 2008 to August 14, 2008. On July 21, 2008, I telephoned Kenneth Thomas to inquire as to whether he would consent to our request for an adjournment of the hearing of the Motion to August 14, 2008, and Mr. Thomas stated that he consents to the adjournment.

We are requesting an adjournment of the Motion because both David Morrison (co-counsel for Kos in this lawsuit) and I are unavailable on July 31st to appear in court for the hearing. Mr. Morrison will be away that day on a family vacation that was planned prior to July 8, 2008, which was the day that the court reset the Motion hearing date from July 10, 2008 to July 31, 2008. Likewise, I will be away that day at a deposition that was scheduled prior to July 8th.

For the foregoing reasons, it is respectfully requested that the hearing of the Motion be adjourned from July 31, 2008 to August 14, 2008 and, if possible, that the hearing be scheduled after 11:00 a.m. on August 14, 2008 to allow Mr. Morrison to fly in from Chicago that morning. Thank you for your attention to this matter.

Respectfully yours,


Mark R. Zancoli

*As Ordered
Argument will be
held Sept. 4, 2008
at 12:00 PM
Peter G. Sheridan
7/24/08*

The Honorable Peter G. Sheridan

MRZ:mz

cc: Kenneth Thomas, *pro se*
David E. Morrison, Esq.